

Utah nuclear power for L.A.? Maybe, says lawsuit

Utah cities in a dispute with California interests warn of plans for a location in Delta

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Imagine Los Angeles building a nuclear reactor in central Utah to power the Hollywood lights.

It's a scenario sketched out in a lawsuit filed last month by the 23 Utah communities and six electric cooperatives that partner with a group of California cities for the Intermountain Power Plant in Delta. The Utah Associated Municipal Power System (UAMPS) warns in its 3rd District Court suit that the Los Angeles Department of Water and Power has designs on the property where a 900 megawatt coal-fired power plant is now planned.

"The Delta, Utah, site has a number of appealing features from the perspective of Los Angeles Power," the Nov. 15 suit says. "Among other things, developing the site for a nuclear plant would comply with emissions requirements of the California [global-warming reduction law] and also avoid the political and public outcry that would surely ensue if Los Angeles Power proposed a nuclear plant in its own state."

The UAMPS lawsuit is intended to force Los Angeles Power to go forward with building the coal-fired plant - or at least free the project's supporters to do so.

Henry Martinez, chief executive officer of Los Angeles Power, said he can't comment on a pending lawsuit. But he said nuclear reactors are not part of the agency's plans.

"We have never considered nor have we discussed that option," he said. "Our focus in the city of Los Angeles is on renewables."

Matthew McNulty, an attorney for UAMPS, said the prospect of California's nuclear power coming from Delta, Utah, was based on "some side comments that were made." The comments prompted concern that the Californians whose money built the existing, 1,800-megawatt Delta plant would use the site planned for Unit 3 "for its own purposes."

"I don't know what their plan is," said McNulty. "If they are not going to build a nuclear plant, then what are they going to build? Is it going to be a nuke, or is it going to be a humongous gas plant, or is it going to be a wind farm?"

McNulty pointed out that a nuclear plant would comply with the 2006 California law designed to cut that state's greenhouse gasses, the pollution blamed for climate change. "And what better a place to put it but Utah?"

Enactment of that law last fall led to the California participants of the Intermountain Power Agency, who have a controlling interest in IPA, to withdraw their support for a new coal-fired plant. And, by doing so, the Californians have also threatened the state air-pollution permit IPA has spent years and millions of dollars to secure.

Pacificorp, which wants to join UAMPS in proceeding with the new coal-fired plant in Delta, filed a second lawsuit on Friday to force the issue. The 3rd District suit says the company, also is a partner in IPP, has spent \$2.7 million on Unit 3 already.

In the months since the flap over the Californians' withdrawal, Reed Searle, IPA's general manager and leader of the campaign to build the new coal plant, has resigned and taken a job with Transition Power Development, a limited liability company exploring construction of Utah's first nuclear power plant. Searle's departure will leave IPA and the power plant facilities "even more vulnerable to Los Angeles Power's whims," the UAMPS lawsuit says.

Aaron Tilton, Transition's chief executive officer and a GOP member of the Utah House of Representatives, said his group ruled out all sites in western Utah for general reasons, their seismic risks and their lack of water. His company is looking instead at reactor sites in eastern parts of the state.

"We just wouldn't consider western parts of the state," said the Springville lawmaker.

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* **The fight:** PacifiCorp and a group of Utah municipalities and six electric cooperatives have taken the Los Angeles Water and Power Department to court for backing out of the proposed Intermountain Power Plant Unit 3 in Delta.

* **The wrinkle:** California has a new law to fight global warming that won't allow that state to supplement its energy needs from new coal-fired power plants, like IPP's proposed Unit 3.

* **The allegation:** A recent lawsuit suggests L.A. Power might have its eyes on the Utah site for a nuclear reactor, but officials say no reactors are in the plans.